S+S 1

(3) (5)

CF 10/2

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.(C) NO. 316 /2007

PETITIONER :

Pawan Kumar Agrawal
Managing Director
Mohan Jute Mills Limited
Raigarh (C.G.)
& Raigarh Properties Private Limited, Raigarh (C.G.)
Acting Through: Subhasis Mallick
S/o. Late Shri D.P. Mallick
The Personnel Officer of Mohan Jute Limited Raigarh (C.G.)
As constituted lawful attorney
Mohan Jute Mills Staff Colony
Raigarh (C.G.).

RECEIVED COPY 21/2/07 for P.K. w.A.G. BILASPUR
P.R. No. 15364
Presented by R. Pradhan
dated 21/2/07

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
Through -Collector of Stamps
Raigarh (C.G.)

2. Shri P.M. Rakhecha
Executive Director
Raigarh Jute and Textile Mills Limited, 36 Chowranghee Road,
Calcuta 700071 (W.B.)

3. Board of Revenue
Through : The Presiding Member Board of Revenue,
Bilaspur (C.G.)

BILASPUR TAHSIL AREA

(6)

(4)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(102)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1316 of 2007

Petitioner : Pawan Kumar Agrawal

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Mr. Raghavendra Pradhan, counsel for the petitioner.
Ms. Sunita Jain, Panel lawyer for the respondents No. 1 and 3.

ORDER

(Passed on this 8th day of March, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner challenges the validity of the impugned order dated 9.11.2006 (P/1), passed by the Board of Revenue, Bilaspur in Appeal No. 13/S.A./B-105/55/2006, whereunder the appeal filed by the petitioner was rejected on the ground of delay.

2. The petitioner with the memo of appeal filed before the Board of Revenue, Bilaspur for condonation of delay in filing the appeal (P/6), wherein he has stated as under :-

> "2. That the appeal is factually barred by the limitation due to justifiable ground. That, the order dated 27.9.2005 was dispatched by the respondent No. 1 on dated 29.11.2005 which was receive by the appellant after a week of the dispatched date and the respondent No. 1 Pawan Kumar Agrawal Managing Director of Mohan Jute Mills Ltd. was under complete bed rest during the period of time on which the order was passed, dispatched and still he has not yet completely recovered as he has under gone by-pass surgery of heart but as soon as he felt little better health condition he appointed Shri Subasish Mallick, Personnel Officer as the attorney to deal with the case on dated 02.03.2006 at Kolkotta and the attorney left Kolkotta on the very next date on dated 03.03.2006

and reached Bilaspur on dated 04.03.2006. Met the counsel on 04.03.2006 evening and after discussion in the case, prepared the case on 05.03.2006 by appointing the counsel. Hence, the delay. The copy of the medical certificates to this regard are annexed as Annexure A-3"

3. The respondents, in their reply, have not controverted the reasons given by the petitioner for condonation of delay, except the bald statement that the delay may not be condoned. It was further stated that certificate was not arranged date-wise.

4. I have heard learned counsel appearing for the parties and gone through the pleadings before the Board of Revenue. I am of the considered opinion that the petitioner has submitted reasonable and satisfactory reasons for condonation of delay, but the Board of Revenue has not considered the facts in proper context. Thus, the impugned order dated 9.11.2006 (P/1), passed by the Board of Revenue, Bilaspur is set aside. The matter is remitted back to the Board of Revenue, Bilaspur for disposal on merit.

5. The writ petition is accordingly allowed. No order as to costs.

6. Consequently, M.(W.)P. No. 878/2007, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu